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The seventy-five pages of text with wide margin for notes compare the work of the First and Second Hague conferences, consider the proposed Convention for an International Prize Court, and the Declaration of London as related to the Prize Court Convention, and discuss other problems which may confront the Third Hague Conference, or any other international conference after the war. Such important unsettled questions as the law relating to aircraft, the occupation of unoccupied territories, and leased territory, are mentioned with constructive suggestions.

It was and is the hope of Sir Thomas Barclay that this book be of service in facilitating international agreements. He says: "To sneer at The Hague court, at arbitration, at peace methods, at international law generally because the most terrible war the world has ever seen has broken out in spite of them, is just about as reasonable as to sneer at engineering, architecture and the science of building generally, because an earthquake or an inundation has destroyed some of man's finest work. The short sight of practical mediocrities, however, will always appeal to other short-sighted mediocrities just as sheep will follow their own bell-wether, and their sneers are of no ultimate effect.

"Wars are explosions of national anger and, while the excitement lasts, nations are just about as sensible as individuals in the midst of a violent quarrel. That the excitement will exhaust itself and that men will return to a normal state of mind and see things in their proper proportions is as certain as the play of action and reaction in the course of things mundane in general."

To the superficial observer such words may seem unjustified, but the book itself is offered as forming a partial justification for the belief. G. G. W.

LEGISLATIVE METHODS IN THE PERIOD BEFORE 1825. By Ralph Harlow. Yale University Press.

Mr. Harlow has written a useful and competent monograph upon an important subject of which little enough is known. He has realized that legislative progress, like that of the law, is "secreted in the interstices of procedure," and what he has written constitutes a really valuable essay in the technique of parliamentary government. He has realized that in a matter such as this the reality is likely to be highly different from the theoretic forms, and if he has made no striking discoveries, he has at any rate painted a convincing picture. His book illustrates the great extent to which the life of a political assembly is dependent upon its forms, and how different those forms well may be in the hands of different leaders. He shows that the period of Clay's leadership marks a real turning-point in the history of Congress, because he was the first man who was not only Speaker, but also the leader of a majority party who consciously used his office to magnify that party. He illustrates with no little vividness of detail the way in which the history of legislative methods is a slow departure from the traditional English system. He makes plain how much importance is to be ascribed to the presence or absence of able men in either chamber of Congress. It is interesting to watch the curious fluctuations in the standing-committee system, and to realize how much of their power has depended upon the disappearance of the excessively legalistic spirit of the first twenty-five years of the Union. He shows with clearness that the real secret of the triumph of the committee system in Congress was the way in which it was able to go behind the impossible theory of the separation of powers and provide a suitable, even an efficient, avenue of communication between the Cabinet and Congress. He makes us understand how vital was the influence of Hamilton in insisting upon the rigid organization of his party. He has many minor details, such as the story of the Boston junto (Chapter II) and its analogue in New York. The basic fact which here emerges is the constant struggle

between the lower house and the executive; and the way in which, by means of the junto, that house was able to attempt, and even to succeed in, an administrative interference from which size would otherwise have debarred it. Finally it is interesting to see how small an influence the Revolution exerted upon traditional methods. All that seems to have been done was to adopt a mechanism felt to be adequate to a new spirit. Here, as elsewhere, what stands out prominently is the fundamental conservatism of 1776. It is, at the same time, a suggestive fact, for it shows how little difference in traditional outlook separated America from Great Britain, and how easily a wise generosity like that of Burke might have anticipated the federalism of the nineteenth century.

The defect of Mr. Harlow's book is the defect of many similar essays of the younger American historians. He does not see, or he does not emphasize, the fundamental bearing of its subject. Mr. Harlow is always cautious and sober and well informed. He is always painstaking and his basic accuracy is beyond reproach. But he will not take a leap in the dark. He will not see how closely his theme is related to fundamental problems of our own time; or, if he sees the connection, he fails to make use of it. If he had brought his volume into contact with the epoch-making books of Redlich and Ostrogorski, if he had studied his subject in the light of certain fascinating suggestions of Sir Courtenay Ilbert and Mr. Graham Wallas, we might have had an essay which no student of law could avoid examining. What judgment, for instance, would Mr. Harlow pass upon the separation of powers? Is there any sense in which it was, even within his period, a useful dogma? How far was the committee system satisfactory as a link between legislature and executive? Is the American speakership more satisfactory in its functioning than the English? What, above all, of the problem of size? Is there a point above which a chamber is impossible, and below which it ceases to be representative? What fundamental rules emerge for the conduct of debate? Is the House of Commons as a committee liable to produce a better bill than Congress in its several committees? How would Mr. Harlow meet the problem of drafting? Here, clearly, are the questions in which the lawyer is interested. He realizes that we have entered upon an age in which, important as necessarily must be the fundamental character of legislation, the real problem will be that of applying it. Nothing else and nothing less is implied in the swing of the balance of the constitutional pendulum from legislature to executive. Mr. Wilson, for instance, has, at least for the moment, a power of proclamation which closely resembles the right of the Local Government Board in England to issue provisional orders. Does his study make Mr. Harlow think that such a blank draft on principles is in fact a satisfactory method? It is greatly to be hoped that Mr. Harlow will embark upon the study of these questions.

One last remark may be hazarded. This book makes clear the impossibility of studying the problems of law apart from the men who make it. Madison, Hamilton, Jefferson, Clay — the personality of each one of these is written large upon the technique of American institutions. It would be an admirable thing if some lawyer gifted with courage were to undertake a study of the Constitution with that in mind. He could give us the cases and the statutes, but he could also give us something more. He could make us understand the ultimate causes of the direction Marshall gave to the Supreme Court; and he could soberly estimate the part played by length of tenure in the character of American constitutional law. It is worth while, for instance, to imagine what might have happened if the appointment to the Chief Justice's position had been in Jefferson's hands, instead of in so stern a federalist's as his predecessor. Maitland has somewhere pointed out that the greatness of Stubb's history lies in its skilful mingling of narrative and criticism. It is a fabric that American lawyers have still to weave.

H. J. L.